

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

MAY 22, 2003

The Marlboro Township Council held a regularly scheduled Council Meeting on May 22, 2003 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Karcher opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 13, 2002; mailed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Denkensohn, Councilman Kovalski,
Council Vice President Mione, Councilwoman Singer
and Council President Karcher.

Also present were: Mayor Scannapieco, Ronald H. Gordon, Esq.,
Business Administrator Chris Marion, Municipal Clerk
Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Councilwoman Singer moved that the minutes of April 1st, April 10th and April 24th, 2003 be approved. This motion was seconded by Council Vice President Mione and the minutes were passed on a roll call vote of 5 - 0.

Councilwoman Singer moved that the minutes of April 8, 2003 be approved. This motion was seconded by Council Vice President Mione and the minutes were passed on a roll call vote of 4 - 0, with Council Vice President Mione abstaining.

Council President Karcher opened the Public Hearing on the amendments to the 2003 Municipal Budget. As there was no one who wished to speak, the public hearing was closed.

The following Resolution # 2003-138 (Participation in Self-Examination Program - Municipal Budget) was introduced by reference, offered by Councilman Kovalski, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-138

RESOLUTION REGARDING SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b, has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 5:30-7.5, the Township of Marlboro has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Marlboro meets the necessary conditions to participate in the program for the 2003 Budget year;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that, in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the Township Council of the Council of Marlboro has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated, pursuant to law, and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges;
- b. Deferred charges and statutory expenditures;
- c. Cash deficit of preceding year;
- d. Reserve for uncollected taxes;
- e. Other reserves and non-disbursement items; and
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations, pursuant to N.J.S.A. 40A: 4-45.2, and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law.)

3. That the budget is in such form, arrangement, and content as required by the Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

a. All estimates of revenue are reasonable, accurate and correctly stated;

b. Items of appropriation are properly set forth; and

c. In itemization, form, arrangement, and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised, in accordance with the relevant provisions of the Local Budget law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

The following Resolution # 2003-139 (Adoption of 2003 Municipal Budget As Amended) was read into the record by Chief Financial Officer Judith Tiernan, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor. Council members complimented and thanked Administration and CFO Judith Tiernan for a job well done.

RESOLUTION # 2003-139

SECTION 2 - UPON ADOPTION FOR YEAR 2003

BE IT RESOLVED by the Governing Body of the Township of Marlboro, County of Monmouth that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the

purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$12,004,659.23 for municipal purposes and \$573,056.00 for Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.

* Copies of attached material to be found in regular minute book in Clerk's office.

The following Resolution # 2003-140/Ordinance # 2003-6 (Monmouth County Improvement Authority Lease/Purchase Program) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-140

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-6

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN
CAPITAL EQUIPMENT BY THE TOWNSHIP OF MARLBORO,
NEW JERSEY FROM THE MONMOUTH COUNTY
IMPROVEMENT AUTHORITY AND THE EXECUTION OF A
LEASE AND AGREEMENT RELATING THERETO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 12, 2003 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2003-6

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN
CAPITAL EQUIPMENT BY THE TOWNSHIP OF MARLBORO,
NEW JERSEY FROM THE MONMOUTH COUNTY
IMPROVEMENT AUTHORITY AND THE EXECUTION OF A
LEASE AND AGREEMENT RELATING THERETO

BE IT ORDAINED by the Township Council of the Township of Marlboro, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et seq., the Township of Marlboro (the Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from the Monmouth County Improvement Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the "Lease") a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(a) In recognition of the fact that the lease payments of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issue to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$1,555,000 and the interest rate on said bonds shall not exceed five and fifteen hundredths percent (5.15%) per annum;

(b) The items leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and

(c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

The following Resolution # 2003-141/Ordinance # 2003-7 (Bond Ordinance - Amending Ord. # 2002-7 - Stream Cleaning & Improvements to Pleasant Valley & Igoe Road) was introduced by reference, offered by Councilman Kovalski, seconded by Council President Karcher and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-141

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-7

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2002-17
WITH RESPECT TO VARIOUS CAPITAL IMPROVEMENTS FINALLY
ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF MARLBORO, NEW JERSEY ON JUNE 13, 2002

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 12, 2003 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2003-7

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2002-17
WITH RESPECT TO VARIOUS CAPITAL IMPROVEMENTS FINALLY
ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF MARLBORO, NEW JERSEY ON JUNE 13, 2002

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Bond Ordinance of the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") entitled "Bond Ordinance Providing An Appropriation Of \$2,988,000 For Various Improvements For And By The Township Of Marlboro, In The County Of Monmouth, New Jersey And Authorizing The Issuance Of \$2,843,800 Bonds Or Notes Of The Township For Financing Part Of The Appropriation" finally adopted on June 13, 2002, as amended by "Bond Ordinance Amending Bond Ordinance Number 2002-17 With Respect To Various Capital Improvements Finally Adopted By The Township Council Of The Township Of Marlboro, New Jersey On June 13, 2002" finally adopted

on April 10, 2003 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2(a) Clause (g) under the subheading "Engineering Department Improvements" of Section 3(a) of the Ordinance is hereby amended in its entirety as follows:

"(g) Stream cleaning at Deep Run Tributaries, including stream cleaning equipment."

\$189,000 \$33,250 40"

(b) Clause (a) under the subheading "Public Works Department Acquisitions and Improvements" of Section 3(a) of the Ordinance is hereby amended by including the following additional roads, "Pleasant Valley Road and Igoe Road" and is hereby further amended in full with respect to the "Appropriation and Estimated Cost," "Estimated Maximum Amount of Bonds or Notes" and "Period of Usefulness" as follows:

\$1,106,500 \$952,250 20"

(c) The Ordinance is further amended as follows: (i) all references in Sections 1 and 3 in the Ordinance to "\$3,113,000" is hereby deleted and substituting in lieu therefor "\$3,373,500."

Section 3. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolutions in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. All other provisions of the Ordinance shall remain unchanged.

Section 5. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

The following Resolution # 2003-142/Ordinance # 2003-8 (Salary Ordinance 2003 Municipal Officials) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-142

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-8

ORDINANCE FIXING THE SALARIES OF THE OFFICERS AND EMPLOYEES
OF THE TOWNSHIP OF MARLBORO 2003

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 12, 2003 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2003-8

ORDINANCE FIXING THE SALARIES OF THE
OFFICERS AND EMPLOYEES OF THE
TOWNSHIP OF MARLBORO
2003

BE IT ORDAINED by the Township Council of the Township of Marlboro, County of Monmouth, as follows:

SECTION 1. The salaries of the hereinafter designated Township officers and employees in accordance with Schedule "A" are attached hereto.

SECTION 2. All officers and employees having a fixed salary of less than \$5,000.00 per annum shall be paid monthly. All other officials and employees shall be paid semi-monthly.

SECTION 3 All salaries and wages earned herein shall be retroactive from January 2003, unless otherwise designated.

SECTION 4. All salaries shall be in lieu of fees, which shall be paid to the order of Marlboro Township and no officer or employee shall be entitled to the receipt of any fees over and above the salary herein designated.

SECTION 5. All provisions of any contract between the Township of Marlboro and bargaining units shall be incorporated herein as though set forth in full. Those provisions include but are not limited to longevity, schooling and overtime.

SECTION 6. All full time employees who have been continuously employed by the Township for more than five years in classified or exempt positions shall receive a longevity increment of 2.5 percent of annual salary. Thereafter, for each additional period of five (5) years of continuous service in the municipality an employee shall receive a longevity increment of an additional 2.5 percent of annual salary. In no event, may the total longevity increment exceed 12.5 percent for more than twenty-four (24) years of service. The longevity provision contained in this section shall not apply to any employee who entered the service of the municipality on or after January 1, 1976.

SECTION 7. The following longevity provision shall apply to all full-time white collar workers, full-time communication workers as well as all other full-time municipal employees not covered by Section 6 of the ordinance: each employee shall receive an annual noncumulative longevity payment outside of base salary, effective upon entry to the next level of earning, as follows:

| <u>YEARS OF SERVICE</u> | <u>IN ADDITION TO ANNUAL PAY</u> |
|--|----------------------------------|
| After five (5) years of service through ten (10) years of service | \$1,000.00 |
| Commencing with eleven (11) years of service through fifteen (15) years of service | \$1,500.00 |
| Commencing with sixteen (16) years of service through twenty (20) years of service | \$2,000.00 |
| Commencing with twenty-one years of service | \$2,500.00 |

SECTION 8. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 9. This Ordinance shall take effect upon passage and publication as required by law.

**TOWNSHIP OF
MARLBORO**

2003 SALARY ORDINANCE

| | |
|--------------------------------|------------|
| | 1/1/03 |
| Mayor | 4,800.00 |
| Councilperson | 3,600.00 |
| Business Administrator | 81,120.00 |
| Municipal Clerk | 71,586.00 |
| Deputy Municipal Clerk | 41,795.00 |
| Finance Director | 4,160.00 |
| Chief Financial Officer | 83,200.00 |
| Tax Collector | 75,937.00 |
| Tax Assessor | 75,937.00 |
| Municipal Presiding Judge | 26,591.00 |
| Municipal Judge | 24,227.00 |
| Township Engineer | 110,807.00 |
| Court Administrator | 62,400.00 |
| Superintendent of Recreation | 78,440.00 |
| Chief of Police | 103,063.00 |
| Director of Public Information | 60,000.00 |

The following Resolution # 2003-143 (Asking for Restoration of Funding for N.J. State Council on the Arts, N.J. Historical Commission and N.J. Cultural Trust) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-143

WHEREAS, the people of Marlboro Township deserve access to high quality history and cultural programs that build pride in our community and improve its quality of life; and

WHEREAS, the Governor's fiscal year 2003/2004 budget eliminates the entire \$33.2 million in funding for staff, operations or grants of the New Jersey State Council on the Arts, the New Jersey Historical Commission or the New Jersey Cultural Trust; and

WHEREAS, this budgetary action eliminates State support for nearly 600 local arts and history programs, shifting the entire burden for their sustenance upon local government; and

WHEREAS, the non profit arts and history organizations funded by these agencies support over 17,000 jobs, return over \$90 million in tax revenues, attract audiences that exceed 21 million and have a combined economic impact exceeding \$1.5 billion, all of which will be severely reduced by that action and lead to the demise of important programs and organizations; and

WHEREAS, the arts and history improve our schools, attract tourists, celebrate diversity, teach tolerance, instill patriotism, revitalize our cities and towns and support local business, all of which will be undermined by that action; and

WHEREAS, these agencies provide full public accountability for expenditure of tax-payer dollars, open public access to the resources of the State, fair processes for awarding grants that help ensure quality and public benefit, and leadership on issues of vital concern to the well being of communities, all of which will be entirely eliminated by the proposed action;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Marlboro that we call upon the Governor and Legislature of New Jersey for full restoration of funding for the grants, staffs and operations of the New Jersey State Council the Arts, the New Jersey Historical Commission and the New Jersey Cultural Trust.

The following Resolution # 2003-145 (Authorizing Contract Monmouth County - Fixed Transportation) was introduced by reference, offered by Councilman Kovalski, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-145

AUTHORIZING AN AGREEMENT WITH THE COUNTY OF MONMOUTH,
PURSUANT TO N.J.S.A. 40: 8A-1 ET SEQ., THE INTERLOCAL SERVICES
ACT, FOR FIXED ROUTE PUBLIC BUS TRANSPORTATION THROUGH
JUNE 30, 2004

WHEREAS, the Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established fixed route public bus transportation through June 30, 2004 within the Township of Marlboro; and

WHEREAS, the Township of Marlboro wishes to enter into an agreement with the County for the provision of said transportation services to residents of Marlboro Township;

WHEREAS, the Interlocal Services Act, N.J.S.A. 40: 8A-1 et seq. authorizes local units as defined in said Act to enter into joint agreements for the provision of governmental services, including such services; and

WHEREAS, the proposed contract for the provision of said services is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40: 8A-4;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the proposed

interlocal services agreement for the provision of the
aforementioned services.

BE IT FURTHER RESOLVED that a duly certified copy of this
resolution be forwarded to all respective parties.

The following Resolution # 2003-146 (Authorizing Grant Application -
Alliance to Prevent Alcoholism & Drug Abuse) was introduced by
reference, offered by Councilman Kovalski, seconded by Council
President Karcher and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-146

RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP ALLIANCE TO
PREVENT ALCOHOLISM AND DRUG ABUSE TO APPLY FOR THE 2004 GRANT

WHEREAS, the Marlboro Township Alliance to Prevent Alcoholism
and Drug Abuse provides a wide range of educational services to the
residents of Marlboro Township for the prevention of alcohol and
drug abuse; and

WHEREAS, the Alliance to Prevent Alcoholism and Drug Abuse
requires funding from the Monmouth County Board of Alcohol and Drug
Abuse Services in order to continue to provide these services to the
residents of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and
Township Council of the Township of Marlboro that the appropriate
municipal officials be and are hereby authorized to execute the 2004
Renewal Application for Funds and Services on behalf of the Alliance
to Prevent Alcoholism and Drug Abuse for the purpose of obtaining
funding for the provision of programs for the prevention of and
education regarding alcohol and drug abuse, a copy of which is on
file in the Township Clerk's office and available for public
inspection; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby
directed to forward executed copies of the Agreement to the Monmouth
County Board of Alcohol and Drug Abuse Services.

The following Resolution # 2003-147 (Award of Bid - Caterpillar
Compactor) was introduced by reference, offered by Councilman
Kovalski, seconded by Council Vice President Mione and passed on a
roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-147

A RESOLUTION AWARDDING A CONTRACT TO FOLEY, INC. TO PROVIDE A 2003 OR NEWER CATERPILLAR CB-224D DOUBLE DRUM ASPHALT COMPACTOR OR BRAND EQUIVALENT TO THE MARLBORO TOWNSHIP DIVISION OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of a 2003 or newer Caterpillar CB-224D Double Drum Asphalt Compactor or brand equivalent to the Marlboro Township Division of Public Works, and on April 30, 2003, received two (2) bids therefor; and

WHEREAS, the two (2) bids received were as follows:

1. Foley, Inc., 855 Centennial Avenue, Piscataway, NJ 08855 for the amount of \$29,860.00
2. Formula Equipment, Inc., 396 Whitehead Avenue, South River, NJ 08882 for the amount of \$28,423.00

WHEREAS, the Township Administration and the Division of Public Works have reviewed the said bids received and recommended that same be awarded to Foley, Inc. as the lowest responsible bidder because the bid received from Formula Equipment, Inc. contained material exceptions to the bid specifications regarding roller operation and engine safety making such bid non-responsive and making Foley, Inc. the lowest responsible bidder by default; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Foley, Inc. of Piscataway, New Jersey to provide a 2003 or newer Caterpillar CB-224D Double Drum Asphalt Compactor or brand equivalent to the Marlboro Township Division of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Foley, Inc. of Piscataway, New Jersey for the provision of a 2003 or newer Caterpillar CB-224D Double Drum Asphalt Compactor or brand equivalent to the Marlboro Township Division of Public Works; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Foley, Inc. in a form to be approved by the Township Attorney, for the aforementioned equipment; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Foley, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer

- d. Superintendent Public Works
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-148 (Award of Bid - Rental Equipment Public Works) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-148

A RESOLUTION AWARDING A CONTRACT TO FOLEY, INC. TO PROVIDE RENTAL EQUIPMENT AND OPERATOR SERVICE FOR THE MARLBORO TOWNSHIP DIVISION OF PUBLIC WORKS' ANNUAL PAVEMENT MANAGEMENT PLAN

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of rental equipment and operator service for the Marlboro Township Division of Public Works' Annual Pavement Management Plan and on a 2003 or newer Caterpillar CB-224D Double Drum Asphalt Compactor or brand equivalent to the Marlboro Township Division of Public Works, and on April 30, 2003, received one(1) bid therefor; and

WHEREAS, the one (1) bid received was as follows:

1. Foley, Inc., 855 Centennial Avenue, Piscataway,
NJ 08855

WHEREAS, Township Administration and the Division of Public Works have reviewed the said bid received and recommended that same be awarded to Foley, Inc. as the lowest responsible bidder; and.

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Foley, Inc. of Piscataway, New Jersey to provide rental equipment and operator service for the Marlboro Township Division of Public Works' Annual Pavement Management Plan.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Foley, Inc. of Piscataway, New Jersey for the provision of rental equipment and operator service for the Marlboro Township Division of Public Works' Annual Pavement Management Plan; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Foley, Inc. in a form to be approved by the Township Attorney, for the aforementioned equipment; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Foley, Inc.
- b. Township Administrator
- c. Chief Financial Officer
- d. Superintendent Public Works
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-149 (Extension of Substantial Completion Date on Contract - Rec. Swim Pool/Aquatic Center Vanderburg Road) was introduced by reference, offered by Council Vice President Mione, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-149

RESOLUTION AUTHORIZING THE EXTENSION OF TIME TO COMPLETE THE
MARLBORO AQUATIC CENTER LOCATED AT VANDERBURG PARK FROM MAY 31, 2003
TO JUNE 13, 2003

WHEREAS, on August 15, 2002, the Township Council of the Township of Marlboro adopted a Resolution authorizing the award of a contract between the Township and Stoneridge, Inc. for the design and construction of the Marlboro Aquatic Center and duly entered into a contract therefor; and

WHEREAS, Stoneridge, Inc.'s bid provided that the construction would be complete and ready for final payment by May 31, 2003; and

WHEREAS, due to delays caused by inclement weather and other factors, Stoneridge, Inc. requested that the Township authorize an extension of completion of construction from May 31, 2003 to June 20, 2003; and

WHEREAS, the Township and its Consulting Engineers, CME Associates, reviewed Stoneridge's request and determined that an extension of completion of construction from May 31, 2003 to June 13, 2003 would be acceptable.

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that the time for completion of the construction of the Marlboro Aquatic Center by Stoneridge, Inc. be extended from May 31, 2003 to June 13, 2003.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be provided to each of the following:

- a. Stoneridge, Inc.

- b. CME Associates (Attn: Gregory R. Valesi, P.E.)
- c. Township Administrator
- d. Township Engineer
- e. Superintendent of Recreation
- f. Superintendent of Public Works
- g. Township Chief Financial Officer
- h. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolutions were introduced by reference, offered by Councilman Kovalski, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor: Res. # 2003-150 (Redemption Tax Sale Certs. - Various), Res. # 2003-151 (Refunds for Overpayments - Various), Res. # 2003-152 (Refunds to WMUA - Various) and Res. # 2003-153 (Refund for first Quarter Taxes - Block 193.02, Lot 49).

RESOLUTION # 2003-150

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$55,436.82 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$55,436.82 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

| <u>LIEN NO</u> | <u>BLOCK/LOT</u> | <u>LIEN HOLDER</u> | <u>AMOUNT</u> |
|----------------------|------------------|--|---------------|
| 02-31 | 176/7 C0969 | Betty Simon, Trustee, LLC \$ | 832.19 |
| 969 Lily Court | | P.O. Box 238 Northfield, NJ 08225-0238 | |
| 03-8 | 127/5 | Crusader Servicing Corp. | 6,525.50 |
| 22 Baldwin Avenue | | 179 Washington Lane Jenkintown, PA 19046 | |
| 03-9 | 132/41 | Richard Simon, Trustee | 10,999.72 |
| 149 Beacon Hill Road | | P.O. Box 238 Northfield, NJ 08225-0238 | |
| 03-16 | 176/7 C0587 | Fidelity Tax Corp. | 5,226.64 |
| 587 Windflower Court | | #302/237 3371 Brunswick Pike Lawrenceville, NJ 08648 | |

| | | | |
|-------------------|-------------|---------------------------|--------------------|
| 03-19 | 178/2 C0209 | Crusader Servicing Corp. | 7,937.72 |
| 209 Colby Place | | 179 Washington Lane | |
| | | Jenkintown, PA 19046 | |
| 03-31 | 371/42 | Crusader Servicing Corp. | 20,015.36 |
| 8 Sweet Court | | 179 Washington Lane | |
| | | Jenkintown, PA 19046 | |
| 03-42 | 107/1 | Michael Fabrikant | 159.98 |
| 29 Wicker Place | | P.O. Box 487 | |
| | | Morganville, NJ 07751 | |
| 03-51 | 246/4 | American Tax Funding, LLC | 458.18 |
| 31 Calder Court | | Attn: Martha Moseley | |
| | | PO Box 862658 | |
| | | Orlando, FL 32886-2658 | |
| 03-53 | 270.01/14 | Culmac, Inc. | 3,281.53 |
| 114 Janwich Drive | | PO Box 251 | |
| | | Monmouth Beach, NJ 07750 | |
| TOTAL: | | | <u>\$55,436.82</u> |

RESOLUTION # 2003-151

WHEREAS, the attached list in the amount of \$1,160.81 known as Schedule "A", is comprised of amounts representing overpayments for 2003 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

| <u>BLOCK</u> | <u>LOT</u> | <u>ASSESSED OWNER</u> | <u>AMOUNT</u> |
|----------------------|------------|---------------------------|-------------------|
| 178 | 290 | E. Thompson & D. McDonald | \$ 72.08 |
| | C0183 | 71 Gravel Hill Road | |
| 183 Nathan Drive | | Freehold, NJ 07728 | |
| | | (Former Assessed Owners) | |
| 412.08 | 4 | Biao Song | 1,088.73 |
| 7 Barn Swallow Blvd. | | 7 Barn Swallow Blvd. | |
| | | Marlboro, NJ 07746 | |
| TOTAL: | | | <u>\$1,160.81</u> |

RESOLUTION # 2003-152

WHEREAS, current sewer charges totaling \$2,184.85 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$2,184.85 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

| <u>CERT#</u> | <u>BLOCK/LOT</u> | <u>LIENHOLDER</u> | <u>AMOUNT</u> |
|----------------------|------------------|-----------------------------|-------------------|
| TSC#03-10 | 149/3 | Richard Simon, Trustee, LLC | \$139.62 |
| 51 Tennent Road | | | |
| TSC#03-15 | 176/7 C0516 | Richard Simon, Trustee, LLC | 157.85 |
| 516 Tivoli Court | | | |
| TSC#03-16 | 176/7 C0587 | Fidelity Tax Corp. | 147.68 |
| 587 Windflower Court | | | |
| TSC#03-27 | 305/61 | Richard Simon, Trustee, LLC | 157.84 |
| 44 Vista Drive | | | |
| TSC#03-32 | 374/41 | Richard Simon, Trustee, LLC | 106.34 |
| 7 Paddock Court | | | |
| TSC#03-37 | 412.04/12 | Richard Simon, Trustee, LLC | 157.84 |
| 40 Kingfisher Court | | | |
| TSC#03-57 | 415/21.31 | Richard Simon, Trustee, LLC | 1,317.68 |
| Route 79 | | | |
| TOTAL: | | | <u>\$2,184.85</u> |

RESOLUTION # 2003-153

WHEREAS, a payment for 2003 first quarter taxes has been received from the former assessed owner, Centex Homes, in the amount of \$118.89 for Block 193.02 Lot 49, located on Station Road, based upon the preliminary bill, and,

WHEREAS, the 2003 taxes are now assessed to the Township of Marlboro and are exempt,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the amount of \$118.89 to Centex Homes.

The following Resolution # 2003-154 (Assignment of Tax Sale Cert - Block 105, Lot 2) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-154

RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE ASSIGNMENT OF
TAX SALE CERTIFICATE NO. 98-71 FOR TAXES, INTEREST AND COSTS DUE ON
BLOCK 105, LOT 2 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO
IN ACCORDANCE WITH N.J.S.A. 54:5-113 ET SEQ.

WHEREAS, pursuant to N.J.S.A. 54:5-113 et seq., when a municipality has or shall have acquired title to real estate by reason of such property having been sold to the municipality for delinquent taxes and assessments, a municipality is permitted to authorize a private sale of such certificate of tax sale, together with subsequent liens thereon, for not less than the amount of liens charged against such real estate; and

WHEREAS, the Township of Marlboro has acquired the property known as Block 105, Lot 2 on the Official Tax Map of the Township of Marlboro (the "Property") for delinquent taxes and filed Tax Sale Certificate No. 98-71 in the Monmouth County Clerk's Office, MB-6512 at page 602 on July 15, 1998; and

WHEREAS, Wayne Mackenrodt wishes to acquire the aforesaid Tax Certificate together with all right, title and interest acquired by virtue of said Tax Sale Certificate in and to the Property.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that Tax Sale Certificate No. 98-71 shall be conveyed at private sale to Wayne Mackenrodt for the amount of \$2,131.02, such sum representing the aggregate amount of the original amount of sale, together with all subsequent liens, including taxes, interest and costs.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to each of the following:

- a. Township Administrator
- b. Township Tax Collector
- c. Township Chief Financial Officer
- d. Wayne Mackenrodt
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-155 (Tonnage Grant) was introduced by reference, offered by Councilman Kovalski, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-155

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Marlboro Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and Energy and designates Sidney Leveson, Recycling Coordinator, to ensure that the said Application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

At 9:20 PM, Councilman Kovalski moved that the meeting go into executive session for reason of discussing contract negotiations, acquisition of property and litigation. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called and the closed session commenced at 9:40 PM.

RESOLUTION # 2003-156

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 22nd day of May, 2003 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely contract negotiations, acquisition of property and litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:50PM, Council Vice President Mione moved that the meeting be opened. This was seconded by Councilwoman Singer, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution # 2003-157 (Authorizing Contract with North American Realty Advisory Services - Marlboro State Hospital Site Phase III) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-157

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO
ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH
NORTH AMERICAN REALTY ADVISORY SERVICES REGARDING THE
REDEVELOPMENT OF THE MARLBORO STATE HOSPITAL SITE FOR
PHASE III

WHEREAS, there exists a continued need for the Township of Marlboro to retain the services of a realty professional in order to perform various tasks associated with the Township's redevelopment of the Marlboro State Hospital Property; and

WHEREAS, the services will include, among other things, conducting a Community Update Information Forum; qualifying potential development teams; meeting with qualified developers; establishing ranking systems; coordinating with Township legal counsel; advising candidates; and advising the Township regarding proposals and providing assistance to Township for evaluating same; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize North American Realty Advisory Services to provide the aforesaid services with regard to the Township's redevelopment of the Marlboro State Hospital Property for Phase III of the redevelopment project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and North American Realty Advisory Services, with regard to the aforesaid services, as per the proposal dated March 26, 2003, to be revised and attached hereto.

2. That, in accordance with the said proposal dated March 26, 2003, North American Realty Advisory Services is hereby authorized, among other things, to conduct a Community Update Information Forum; to qualify potential development teams; to meet with qualified developers; to establish ranking systems; to coordinate with Township legal counsel; to advise candidates; and to advise the Township regarding proposals and to provide assistance to Township for evaluating same as set forth therein for Phase III of the redevelopment project.

3. That the services to be performed shall be on an hourly basis as outlined in Schedule "A" of the attached proposal, with a cap on the total expenditure in the amount not to exceed \$101,500.00 for Phase III of the redevelopment project for said services. Further authorization from the Township Council shall be required for any expenditure beyond said amount.

4. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with N.J.S.A. 40A:11-5, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice

a recognized profession and it is not possible to obtain bids for such needed qualitative services.

5. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding available for same. The Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

6. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

7. That a certified copy of this Resolution shall be provided to each of the following:

- a. North American Realty Advisory Services
(Attn: David J. Daddario)
- b. Francis X. Regan, Esq.
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

At 10:55PM, Councilman Denkensohn moved that the meeting be adjourned. This was seconded by Councilwoman Singer, and as there was no objection, the Clerk was asked to cast one ballot. (Absent: Kovalski).

MINUTES APPROVED: June 26, 2003

OFFERED BY: Singer AYES: 5

SECONDED BY: Kovalski NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

ELLEN KARCHER
COUNCIL PRESIDENT